

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 3. DEPARTMENT OF HEALTH SERVICES CHILD CARE GROUP HOMES

Editor's Note: The following two Notices of Exempt Rulemaking were reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 2620.) The Governor's Office authorized the notice to proceed through the rulemaking process on August 16, 2012.

[R13-135]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable)**

R9-3-202	Amend
R9-3-301	Amend
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:**

Authorizing statutes: A.R.S. §§ 36-132(A)(1) and 36-136(F)
Implementing statutes: A.R.S. §§ 36-897 through 36-897.12
Statutes or session laws authorizing the exemption: Laws 2012, Ch. 188, § 9
- 3. The effective date of the rules:**

August 1, 2013
- 4. A list of all notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:**

Not applicable
- 5. The agency's contact person who can answer questions about the rulemaking:**

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6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:

Laws 2012, Ch. 188 (SB 1136) amends, among other statutes, A.R.S. §§ 8-804 and 8-804.01. This change requires the Department of Economic Security to conduct central registry checks for individuals who provide direct services to children or vulnerable adults; requires child care licensees that do not contract with the state and who employ individuals who provide direct services to children, beginning August 1, 2013, to submit in accordance with statutory requirements the information necessary to conduct central registry background checks of such individuals, and requires the Department of Health Services (Department) to verify, beginning August 1, 2013, whether child care licensees have complied with the above requirement and any related rules adopted by the Department. Laws 2013, Ch. 151 (HB 2529) further amends A.R.S. § 8-804 to permit an agency of the state, within specified limitations, to provide information contained in the central registry on all reports of child abuse and neglect that are substantiated and the outcomes of the investigations of such reports.

The Department is adopting rules requiring certificate holders of child care group homes to comply with the requirements in A.R.S. §§ 8-804 and 8-804.01.

Laws 2012, Ch. 188, § 9 provides an exemption from the requirements in A.R.S. Title 41, Chapter 6, for this rulemaking. The Department received an exception from the Governor's rulemaking moratorium, established by Executive Order 2012-03, for this rulemaking.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact, if applicable:

Not applicable

10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):

Not applicable

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:

Not applicable

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, a citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable

13. A list of any incorporated by reference material and its location in the rule:

None

14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

No

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 3. DEPARTMENT OF HEALTH SERVICES

CHILD CARE GROUP HOMES

Notices of Exempt Rulemaking

ARTICLE 2. CERTIFICATION

Section

R9-3-202. Fingerprinting and Central Registry Background Check Requirements

ARTICLE 3. OPERATING A CHILD CARE GROUP HOME

Section

R9-3-301. Certificate Holder and Provider Responsibilities

ARTICLE 2. CERTIFICATION

R9-3-202. Fingerprinting and Central Registry Background Check Requirements

- A.** A certificate holder shall ensure that:
1. A staff member completes, signs, dates, and submits to the certificate holder before the staff member's starting date of employment or volunteer service:
 - a. The form required in A.R.S. § 36-897.03(B); and
 - b. If required by A.R.S. § 8-804, the form in A.R.S. § 8-804(I); and
 2. An adult resident completes, signs, dates, and submits to the certificate holder before the resident's starting date of residency or the date of certification of the child care group home the form required in A.R.S. § 36-897.03(B).
- ~~**A-B.** A certificate holder shall hold maintain documentation of a valid fingerprint clearance card issued under A.R.S. § 41-1758.03.~~
- ~~**B.** A certificate holder shall ensure that each adult staff member and each adult resident completes, signs, dates, and submits to the certificate holder the form required in A.R.S. § 36-897.03(B) before the adult staff member's starting date of employment or volunteer service and before the adult resident begins residency at the child care group home, as applicable.~~
- C.** A Except as provided in A.R.S. § 41-1758.03, a certificate holder shall ensure that each adult a staff member and each or adult resident submits to the certificate holder a copy of:
1. Holds a The staff member's or adult resident's valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; or
 2. Submits to the certificate holder a copy of a The fingerprint clearance card application showing that staff member or adult resident submitted to the Department of Public Safety under A.R.S. § 41-1758.02:
 - a. The adult staff member submitted the application to the fingerprint division of the Department of Public Safety under A.R.S. § 41-1758.02 For the staff member, within seven working days after becoming an adult staff member the staff member's starting date of employment or volunteer service; and
 - b. The adult resident submitted the application to the fingerprint division of the Department of Public Safety under A.R.S. § 41-1758.02 For the adult resident, within seven working days after becoming an adult resident the resident's starting date of residency or the date of certification of the child care group home.
- D.** A certificate holder shall ensure that each individual who is an adult a staff member or an adult resident submits to the certificate holder a copy of the individual's valid fingerprint clearance card:
1. Except as provided in subsection (C)(2), before:
 - a. The adult staff member's starting date of employment or volunteer service; and
 - b. The adult resident begins residency at the child care group home; and
 2. Each each time the fingerprint clearance card is issued or renewed.
- E.** If an adult a staff member or adult resident possesses a fingerprint clearance card that was issued before the staff member or resident became a staff member or resident at the child care group home, the a certificate holder shall:
1. Contact the Department of Public Safety within seven working days after the individual becomes a staff member or resident to determine whether the fingerprint clearance card is valid; and
 2. Make a record of Document this determination, including the name of the staff member or resident, the date of contact with the Department of Public Safety, and whether the fingerprint clearance card is valid.
- F.** If required by A.R.S. § 8-804, before an individual's starting date of employment or volunteer service, a certificate holder shall comply with the submission requirements in A.R.S. § 8-804(C) for the individual.
- ~~**F-G.**~~ **G.** A certificate holder shall not allow an adult individual to be a staff member or a resident if the individual:
1. Has been denied a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1, and has not received an interim approval under A.R.S. § 41-619.55; or
 2. Receives an interim approval under A.R.S. § 41-619.55 but is then subsequently denied a good cause exception under A.R.S. § 41-619.55 and a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1;
 3. Is a parent or guardian of a child adjudicated to be a dependent child as defined in A.R.S. § 8-201;
 4. Has been denied a certificate to operate a child care group home or a license to operate a child care facility for the

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care of children in this state or another state:

5. Has had a license to operate a child care facility or certificate to operate a child care group home in this state or another state revoked for reasons related to the endangerment of the health and safety of children;
6. If applicable, has stated on the form required in A.R.S. § 8-804(I) that the individual is currently under investigation for an allegation of abuse or neglect or has a substantiated allegation of abuse or neglect and has not subsequently received a central registry exception according to A.R.S. § 41-619.57; or
7. If applicable, is disqualified from employment or volunteer service as a staff member according to A.R.S. § 8-804 and has not subsequently received a central registry exception according to A.R.S. § 41-619.57.

ARTICLE 3. OPERATING A CHILD CARE GROUP HOME

R9-3-301. Certificate Holder and Provider Responsibilities

A. A certificate holder shall:

1. Designate a provider who:
 - a. Lives in the residence;
 - b. Is 21 years of age or older;
 - c. Has a high school diploma, high school equivalency diploma, associate degree, or bachelor degree;
 - d. Meets one of the following:
 - i. Has completed at least three credit hours in child growth and development, nutrition, psychology, or early childhood education;
 - ii. Has completed at least 60 hours of training in child growth and development, nutrition, psychology, early childhood education, or management of a child care business; or
 - iii. Has at least 12 months of child care experience; and
 - e. Has completed Department-provided orientation training that includes the Department's role in certifying and regulating child care group homes under A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;
2. Ensure that each staff member is 16 years of age or older;
3. Ensure that each resident 12 years of age or older and each staff member submits, on or before the starting date of residency, employment, or volunteer services, one of the following as evidence of freedom from infectious active tuberculosis:
 - a. Documentation of a negative Mantoux skin test or other tuberculosis screening test recommended by the U.S. Centers for Disease Control and Prevention, administered within 12 months before the starting date of residency, employment, or volunteer service, that includes the date and the type of tuberculosis screening test; or
 - b. If the resident or staff member has had a positive Mantoux skin test or other tuberculosis screening test, a written statement that the resident or staff member is free from infectious active tuberculosis that is signed and dated by a physician, physician assistant, or registered nurse practitioner within six months before the starting date of residency, employment, or volunteer service; and
4. Ensure that the provider:
 - a. Supervises or assigns an adult staff member to supervise each staff member who is not an adult;
 - b. Maintains on the premises a file for each staff member, for 12 months after the date the staff member last worked at the child care group home, containing:
 - i. The staff member's name, date of birth, home address, and telephone number;
 - ii. The staff member's starting date of employment or volunteer service;
 - iii. The staff member's ending date of employment or volunteer service, if applicable;
 - iv. The staff member's written statement attesting to current immunity against measles, rubella, diphtheria, mumps, and pertussis;
 - v. The form required in A.R.S. § 36-897.03(B);
 - vi. ~~Documents required by R9-3-202(C)(2) or R9-3-202(D)~~ For an adult staff member, a copy of the staff member's valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1;
 - vii. Documents required by subsection (A)(3);
 - viii. Documentation of the requirements in A.R.S. § 36-897.03(C);
 - ix. If applicable:
 - (1) The form required in A.R.S. § 8-804(I);
 - (2) Documentation of the submission required in A.R.S. § 8-804(C) and the information received as a result of the submission; and
 - (3) Documentation of the completion of the Department-provided orientation training specified in subsection (A)(1)(e), if applicable;
 - x. Documentation of the training required in R9-3-302; and
 - xi. Documentation of a high school diploma, high school equivalency diploma, associate degree, or bachelor degree, if applicable;
 - c. Maintains on the premises a file for each resident, for 12 months after the date the resident last resided at the

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- child care group home, containing:
 - i. The resident's name and date of birth;
 - ii. The resident's relationship to the provider;
 - iii. The date the resident began residing at the child care group home;
 - iv. The date the resident last resided at the child care group home, if applicable;
 - v. A written statement by the resident or, if the resident is a minor, the provider attesting to the resident's current immunity against measles, rubella, diphtheria, mumps, and pertussis;
 - vi. If the resident is an adult, the form required in A.R.S. § 36-897.03(B);
 - vii. If the resident is an adult, the documents required by R9-3-202(C)(2) or R9-3-202(D); and
 - viii. If the resident is 12 years of age or older, the documents required by subsection (A)(3);
 - d. Prepares a dated attendance record for each day and ensures that each staff member records on the attendance record the staff member's start time and end time of providing child care services for the child care group home;
 - e. Maintains on the premises the dated attendance record required in subsection (A)(4)(d) for 12 months after the date on the attendance record;
 - f. Except as specified in R9-3-408, provides child care services only in areas:
 - i. Designated as provided in R9-3-201(2)(f)(i) or R9-3-201(2)(g)(i), or
 - ii. Approved under R9-3-205(C);
 - g. Does not engage in outside employment during hours of operation or operate another business at or out of the residence during hours of operation;
 - h. Does not allow another staff member to engage in or operate another business at or out of the residence during the staff member's assigned work hours at the child care group home;
 - i. Does not allow the operation of another business on the premises during hours of operation unless the operation of the business does not involve persons coming onto the premises during hours of operation because of the business; and
 - j. Does not allow the cultivation of medical marijuana on the premises.
- B.** A certificate holder shall ensure that all of the records required to be maintained by this Chapter either are written in English or, if written in a language other than English, include an English translation.
- C.** A certificate holder shall:
- 1. Secure and maintain general liability insurance of at least \$100,000 for the child care group home; and
 - 2. Maintain on the premises documentation of the insurance coverage required in subsection (C)(1).
- D.** A certificate holder shall ensure that:
- 1. An adult staff member with one of the following is on the premises and acting on behalf of the certificate holder when the provider is not present at the child care group home:
 - a. At least six months of child care experience;
 - b. Two or more credit hours in child growth and development, nutrition, psychology, or early childhood education; or
 - c. At least 30 hours of training in child growth and development, nutrition, psychology, or early childhood education; and
 - 2. At least one adult staff member, in addition to the provider or the staff member specified in subsection (D)(1), is on the premises when six or more enrolled children are at the child care group home.
- E.** A certificate holder shall ensure that a parent of an enrolled child or an individual designated in writing by the parent of an enrolled child is allowed immediate access during hours of operation to the areas of the premises where the enrolled child is receiving child care services.
- F.** A certificate holder shall:
- 1. Prepare a document that includes the following information:
 - a. The name and contact telephone number of the provider;
 - b. The hours of operation of the child care group home;
 - c. Charges, fees, and payment requirements for child care services;
 - d. Whether medications are administered at the child care group home and, if so, a description of what the parent is required to give to the child care group home;
 - e. Whether enrolled children go on field trips under the supervision of a staff member;
 - f. Whether the child care group home provides transportation for enrolled children to or from school, a school bus stop, or other locations;
 - g. The mechanism by which a staff member will verify that an individual contacting the child care group home by telephone claiming to be the parent of an enrolled child is the enrolled child's parent;
 - h. A statement that a parent has access to the areas on the premises where the parent's enrolled child is receiving child care services;
 - i. A statement that inspection reports for the child care group home are available for review at the child care group home; and

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- j. The local address and contact telephone number for the Department; and
- 2. Ensure that a staff member provides the document required in subsection (F)(1) to a parent of an enrolled child.
- G. A certificate holder shall ensure that a staff member posts in a place that can be conspicuously viewed by individuals entering or leaving the child care group home:
 - 1. The child care group home certificate;
 - 2. The name of the provider;
 - 3. The name of the staff member designated to act on behalf of the certificate holder when the provider is not present at the child care group home;
 - 4. The hours of operation for the child care group home;
 - 5. The weekly activity schedule required in R9-3-401(B)(4)(b);
 - 6. The amount of time in minutes enrolled children may watch television, videos, or DVDs at the child care group home; and
 - 7. The weekly menu, required in R9-3-406(F), before the first meal or snack of the week.
- H. A certificate holder shall ensure that a staff member supervises any individual who is not a staff member and is on the premises where enrolled children are present.
- I. A certificate holder shall ensure that a staff member who has current training in first aid and CPR is present during hours of operation when an enrolled child is on the premises or on a trip away from the premises under the supervision of a staff member.
- J. A certificate holder shall ensure that if a staff member or resident lacks documentation of immunization or evidence of immunity that complies with A.A.C. R9-6-704 for a communicable disease listed in A.A.C. R9-6-702(A):
 - 1. The staff member or resident is excluded from the child care group home between the start and end of an outbreak of the communicable disease at the child care group home, or
 - 2. The child care group home is closed until the end of an outbreak at the child care group home.
- K. Within 72 hours after changing a provider, a certificate holder shall send the Department written notice of the change, including the name of the new provider.
- L. Except as provided in subsections (M) and (N), a certificate holder shall notify the Department in writing of a planned change in a child care group home's hours of operation at least three days before the date of the planned change, including:
 - 1. The certificate holder's name;
 - 2. The child care group home's certificate number; and
 - 3. The current and intended hours of operation.
- M. A certificate holder is not required to notify the Department of a change in a child care group home's hours of operation when the change in the child care group home's hours of operation is due to the occurrence of a state or federal holiday on a day of the week the child care group home regularly provides child care services.
- N. When the premises of a child care group home are left unoccupied during hours of operation or the child care group home is temporarily closed due to an unexpected event, a certificate holder shall ensure that a staff member notifies the Department before leaving the child care group home unoccupied or closing the child care group home, stating the period of time during which the child care group home will be unoccupied or closed.

NOTICE OF EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 5. DEPARTMENT OF HEALTH SERVICES
CHILD CARE FACILITIES

PREAMBLE

[R13-136]

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|--|--------------------------|
| R9-5-203 | Amend |
| R9-5-402 | Amend |
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:
- Authorizing statutes: A.R.S. §§ 36-132(A)(1) and 36-136(F)
- Implementing statute: A.R.S. § 36-882
- Statutes or session laws authorizing the exemption: Laws 2012, Ch. 188, § 9

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3. The effective date of the rules:

August 1, 2013

4. A list of all notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:

Not applicable

5. The agency's contact person who can answer questions about the rulemaking:

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Name: Thomas Salow, Manager

Address: Arizona Department of Health Services
Office of Administrative Counsel and Rules
1740 W. Adams St., Suite 203
Phoenix, AZ 85007

Telephone: (602) 542-1020

Fax: (602) 364-1150

E-mail: Thomas.Salow@azdhs.gov

6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:

Laws 2012, Ch. 188 (SB 1136) amends, among other statutes, A.R.S. §§ 8-804 and 8-804.01. This change requires the Department of Economic Security to conduct central registry checks for individuals who provide direct services to children or vulnerable adults; requires child care licensees that do not contract with the state and who employ individuals who provide direct services to children, beginning August 1, 2013, to submit in accordance with statutory requirements the information necessary to conduct central registry background checks of such individuals, and requires the Department of Health Services (Department) to verify, beginning August 1, 2013, whether child care licensees have complied with the above requirement and any related rules adopted by the Department. Laws 2013, Ch. 151 (HB 2529) further amends A.R.S. § 8-804 to permit an agency of the state, within specified limitations, to provide information contained in the central registry on all reports of child abuse and neglect that are substantiated and the outcomes of the investigations of such reports.

The Department is adopting rules requiring licensees of child care facilities to comply with the requirements in A.R.S. §§ 8-804 and 8-804.01.

Laws 2012, Ch. 188, § 9 provides an exemption from the requirements in A.R.S. Title 41, Chapter 6, for this rulemaking. The Department received an exception from the Governor's rulemaking moratorium, established by Executive Order 2012-03, for this rulemaking.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact, if applicable:

Not applicable

10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):

Not applicable

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response

Notices of Exempt Rulemaking

to the comments, if applicable:

Not applicable

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, a citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable

13. A list of any incorporated by reference material and its location in the rule:

None

14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

No

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 5. DEPARTMENT OF HEALTH SERVICES
CHILD CARE FACILITIES**

ARTICLE 2. FACILITY LICENSURE

Section

R9-5-203. Fingerprinting and Central Registry Background Check Requirements

ARTICLE 4. FACILITY STAFF

Section

R9-5-402. Staff Records and Reports

ARTICLE 2. FACILITY LICENSURE

R9-5-203. Fingerprinting and Central Registry Background Check Requirements

~~F.A.~~ A licensee shall ensure that each a staff member completes, signs, dates, and submits to the licensee, the form required in A.R.S. § 36-883.02(C) before the staff member's starting date of employment or volunteer service;

1. The form required in A.R.S. § 36-883.02(C); and
2. If required by A.R.S. § 8-804, the form in A.R.S. § 8-804(I).

~~A.B.~~ Except as provided in A.R.S. § 41-1758.03, a licensee shall ensure that each staff member at a facility submits to the licensee a copy of:

- ~~1. Possesses a~~ The staff member's valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; or
- ~~2. Submits to the licensee, within seven working days of the staff member's starting date of employment or volunteer service, a copy of the~~ The fingerprint clearance card application that the staff member submitted to the fingerprint division of the Department of Public Safety under A.R.S. § 41-1758.02 within seven working days after the staff member's starting date of employment or volunteer service.

~~B.C.~~ A licensee shall ensure that each staff member submits to the licensee a copy of the staff member's valid fingerprint clearance card:

- ~~1. Except as provided in subsection (A)(2), before the staff member's starting date of employment or volunteer service, and~~
- ~~2. Each~~ each time the fingerprint clearance card is issued or renewed.

~~C.D.~~ If a staff member possesses a fingerprint clearance card that was issued before the staff member became a staff member

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at the facility, ~~the~~ a licensee shall:

1. Contact the Department of Public Safety within seven working days after the individual becomes a staff member to determine whether the fingerprint clearance card is valid; and
2. Document this determination, including the name of the staff member, the date of contact with the Department of Public Safety, and whether the fingerprint clearance card is valid.

E. If required by A.R.S. § 8-804, before an individual's starting date of employment or volunteer service, a licensee shall comply with the submission requirements in A.R.S. § 8-804(C) for the individual.

~~D.F.~~ A licensee shall not allow an individual to be a staff member if the individual:

1. ~~has~~ Has been denied a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1 and has not received an interim approval under A.R.S. § 41-619.55;

~~E.2.~~ A licensee shall not allow an individual to be a staff member if the individual receives ~~Receives~~ an interim approval under A.R.S. § 41-619.55 but is ~~then~~ subsequently denied a good cause exception under A.R.S. § 41-619.55 and a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1;

3. Is a parent or guardian of a child adjudicated to be a dependent child as defined in A.R.S. § 8-201;

4. Has been denied or had revoked a certificate to operate a child care group home or a license to operate a child care facility for care of children in this state or another state;

5. Has been denied or had revoked a certification to work in a child care facility or a child care group home in this state or another state;

6. If applicable, has stated on the form required in A.R.S. § 8-804(I) that the individual is currently under investigation for an allegation of abuse or neglect or has a substantiated allegation of abuse or neglect and has not subsequently received a central registry exception according to A.R.S. § 41-619.57; or

7. If applicable, is disqualified from employment or volunteer service as a staff member according to A.R.S. § 8-804 and has not subsequently received a central registry exception according to A.R.S. § 41-619.57.

ARTICLE 4. FACILITY STAFF

R9-5-402. Staff Records and Reports

A. A licensee shall maintain a file for each staff member containing:

1. The staff member's name, date of birth, home address, and telephone number;
2. The staff member's starting date of employment or volunteer service;
3. The staff member's ending date of employment or volunteer service, if applicable;
4. The name, telephone number, and mailing address of an individual to be notified in case of an emergency;
5. The staff member's written statement attesting to current immunity against measles, rubella, diphtheria, mumps, and pertussis;
6. The form required in A.R.S. § 36-883.02(C);
7. Documents required by R9-5-203(A)(2) or (B);
8. Documents required by R9-5-301;
9. Documents required by R9-5-401, if applicable;
10. If applicable:

a. The form required in A.R.S. § 8-804(I).

b. Documentation of the submission required in A.R.S. § 8-804 and the information received as a result of the submission, and

~~10.c.~~ Documentation of training provided by a licensee as required by R9-5-403, if applicable;

11. A copy of any current license or certification required by A.R.S. Title 36, Chapter 7.1, Article 1, or this Chapter; and
12. Documentation of the requirements in A.R.S. § 36-883.02(D).

B. A licensee shall ensure that, for a staff member who is currently working at the facility, the staff member's information required by:

1. Subsections (A)(1) through (11) is maintained in a single location on facility premises, and
2. Subsection (A)(12) is maintained and provided to the Department within two hours of the Department's request.

C. A licensee shall ensure that, for an individual who is not currently working at the facility, the information required in subsections (A)(1) through (12) is:

1. Maintained for 12 months after the date the individual last worked at the facility, and
2. Provided to the Department within two hours of the Department's request.